

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

Division

KIMBERLY A. NELSON fka KIMBERLY A.  
NUNNENKAMP*Plaintiff(s)**(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

CHARTER COMMUNICATIONS HOLDING  
COMPANY LLC*Defendant(s)**(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

Case No. \_\_\_\_\_

*(to be filled in by the Clerk's Office)*Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kimberly A. Nelson fka Kimberly A. Nunnenkamp
Street Address	1312 N Ruby Avenue
City and County	Grand Island, Hall
State and Zip Code	Nebraska 68803
Telephone Number	308-379-8417
E-mail Address	kimberlynunnenkamp@yahoo.com

**B. The Defendant(s)**Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

## Defendant No. 1

Name	Charter Communication Holding Company LLC
Job or Title <i>(if known)</i>	c/o CSC-Lawyers Incorporating Service Company
Street Address	233 South 13 <sup>th</sup> Street Suite 1900
City and County	Lincoln, Lancaster
State and Zip Code	Nebraska, 68508
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

## 1. The Plaintiff(s)

## a. If the plaintiff is an individual

The plaintiff, *(name)* Kimberly A. Nelson formerly know as, is a citizen of the State of *(name)* Nebraska.

## b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

## 2. The Defendant(s)

## a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, *(name)* Charter Communications Holding, is incorporated under the laws of the State of *(name)* Delaware, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_, and has its principal place of business in *(name)* \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

This court has jurisdiction based on the fact that the case involves diversity of citizenship and the amount at stake is more than \$75,000.00, exclusive of costs.

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

This case involves a motor vehicle accident that occurred at the intersection of U.S. Highway 34 near Stuhr Museum, Grand Island, Hall County, Nebraska.

On or about September 2, 2015, the plaintiff was operating her motor vehicle, and stopped ion traffic, when a motor vehicle owned by the Defendant, Charter Communication and driven by its employee, Joshua Bergmeier, collided with the rear of the plaintiff's vehicle causing injuries. Joshua Bergmeier was operating said vehicle within the scope and course of his employment with Defendant Charter Communications. The aforesaid action was caused by the negligence of the defendant as follows:

- a. Failure to keep a proper lookout
- b. Failure to keep the vehicle under reasonable control
- c. Travelling at a speed in excess of that which is reasonable and proper

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- A. Plaintiff incurred medical expenses in the amount of \$13,338.00 and will incur future medical expenses;  
 B. Plaintiff lost income/ wages and continues to lose wages in an as-yet unliquidated amount;  
 C. Plaintiff will lose income and will have a loss of earning capacity in the future;  
 D. Plaintiff has permanent injuries;  
 E. Plaintiff has suffered pain, suffering, and mental anguish, past and future, and is entitled to future damages;  
 F. Plaintiff was temporarily totally disabled and is permanently, partially disabled;  
 G. Plaintiff has suffered inconvenience and a loss of enjoyment of life and will do so in the future.  
 WHEREFORE plaintiff prays for judgment against defendant for special damages, general damages and costs.

## V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff \_\_\_\_\_

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney s/Herbert J. Friedman \_\_\_\_\_

Printed Name of Attorney Herbert J. Friedman/Daniel H. Friedman \_\_\_\_\_

Bar Number 11390/22293 \_\_\_\_\_

Name of Law Firm Friedman Law Offices PC LLO \_\_\_\_\_

Street Address 3800 Normal Blvd Suite 200 \_\_\_\_\_

State and Zip Code Lincoln, NE 68506 \_\_\_\_\_

Telephone Number 402-476-1093 \_\_\_\_\_

E-mail Address hfriedman@friedmanlaw.com/dfriedman@friedmanlaw.com \_\_\_\_\_